

By: Schaefer

H.B. No. 1778

A BILL TO BE ENTITLED

AN ACT

relating to abolishing the regulation of the practice of interior design.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Chapter 1051, Occupations Code, is amended to read as follows:

CHAPTER 1051. TEXAS BOARD OF ARCHITECTURAL EXAMINERS; GENERAL PROVISIONS AFFECTING ARCHITECTS AND [~~7~~] LANDSCAPE ARCHITECTS [~~7~~ ~~AND INTERIOR DESIGNERS~~]; PROVISIONS AFFECTING ONLY ARCHITECTS

SECTION 2. Sections 1051.101(a) and (b), Occupations Code, are amended to read as follows:

(a) The Texas Board of Architectural Examiners consists of seven [~~nine~~] members appointed by the governor with the advice and consent of the senate as follows:

(1) four architect members registered under this chapter;

(2) [~~one interior designer member registered under Chapter 1053,~~

~~(3)] one landscape architect member registered under Chapter 1052; and~~

(3) two [~~(4) three~~] members who represent the public, at least one of whom is a person with a physical disability.

(b) Not more than one board member may be:

(1) a stockholder or owner of an interest in a school

1 or college that teaches architecture[~~, interior design,~~] or
2 landscape architecture; or

3 (2) a full-time member of the faculty or
4 administration of the architecture[~~, interior design,~~] or
5 landscape architecture department of a school or college whose
6 position is the primary employment of the board member.

7 SECTION 3. Section 1051.102, Occupations Code, is amended
8 to read as follows:

9 Sec. 1051.102. ELIGIBILITY OF PUBLIC MEMBERS. A person is
10 not eligible for appointment as a public member of the board if the
11 person or the person's spouse:

12 (1) is registered, certified, or licensed by an
13 occupational regulatory agency in the field of architecture[~~,
14 interior design,~~] or landscape architecture;

15 (2) is employed by or participates in the management
16 of a business entity or other organization regulated by the board or
17 receiving funds from the board;

18 (3) owns or controls, directly or indirectly, more
19 than a 10 percent interest in a business entity or other
20 organization regulated by the board or receiving funds from the
21 board; or

22 (4) uses or receives a substantial amount of tangible
23 goods, services, or funds from the board, other than compensation
24 or reimbursement authorized by law for board membership,
25 attendance, or expenses.

26 SECTION 4. Section 1051.103(b), Occupations Code, is
27 amended to read as follows:

1 (b) A person may not be a member of the board and may not be a
2 board employee employed in a "bona fide executive, administrative,
3 or professional capacity," as that phrase is used for purposes of
4 establishing an exemption to the overtime provisions of the federal
5 Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.),
6 and its subsequent amendments, if:

7 (1) the person is an officer, employee, or paid
8 consultant of a Texas trade association in the field of
9 architecture~~[, interior design,]~~ or landscape architecture; or

10 (2) the person's spouse is an officer, manager, or paid
11 consultant of a Texas trade association in the field of
12 architecture~~[, interior design,]~~ or landscape architecture.

13 SECTION 5. Section 1051.104(a), Occupations Code, is
14 amended to read as follows:

15 (a) Board members serve staggered six-year terms. The terms
16 of two or three members expire on January 31 of each odd-numbered
17 year.

18 SECTION 6. Section 1051.201, Occupations Code, is amended
19 to read as follows:

20 Sec. 1051.201. SCOPE OF ADMINISTRATIVE AUTHORITY. The
21 powers granted and duties delegated to the board under this chapter
22 are in addition to the powers granted and duties delegated to the
23 board under Chapter [~~Chapters~~] 1052 [~~and 1053~~].

24 SECTION 7. Section 1051.202, Occupations Code, is amended
25 to read as follows:

26 Sec. 1051.202. GENERAL RULEMAKING AUTHORITY. The board
27 shall adopt reasonable rules and bylaws and prescribe forms as

1 necessary to administer or enforce this subtitle, including rules
2 regulating the practices of architecture and [7] landscape
3 architecture [~~7, and interior design~~].

4 SECTION 8. The heading to Article 2, Chapter 1051,
5 Occupations Code, is amended to read as follows:

6 ARTICLE 2. GENERAL PROVISIONS APPLYING TO ARCHITECTS AND [7]
7 LANDSCAPE ARCHITECTS [~~7, AND INTERIOR DESIGNERS~~]

8 SECTION 9. Section 1051.306, Occupations Code, is amended
9 to read as follows:

10 Sec. 1051.306. FIRM REGISTRATION. The board by rule may
11 require a firm, partnership, corporation, or association that
12 engages in the practice of architecture or [7] landscape
13 architecture [~~7, or interior design~~] to register with the board under
14 this subtitle.

15 SECTION 10. Section 1051.354, Occupations Code, is amended
16 to read as follows:

17 Sec. 1051.354. FEE EXEMPTION FOR MILITARY PERSONNEL. (a) A
18 person required to register under this subtitle who is on active
19 duty as a member of the United States military is exempt from the
20 payment of any fee during the person's term of service if the
21 person:

22 (1) is in good standing as an architect or [7]
23 landscape architect [~~7, or interior designer~~] in this state; or

24 (2) was in good standing as an architect or [7]
25 landscape architect [~~7, or interior designer~~] in this state at the
26 time the person entered into military service.

27 (b) A person who is exempt from payment of a fee under

1 Subsection (a):

2 (1) is exempt for the remainder of the fiscal year
3 during which the person's active duty status expires; and

4 (2) is entitled to have the person's name continued on
5 the list of architects or [7] landscape architects [~~7~~ ~~or interior~~
6 ~~designers~~].

7 SECTION 11. Section 1051.355(e), Occupations Code, is
8 amended to read as follows:

9 (e) The additional amount of the renewal fee described by
10 Subsection (b)(2) does not apply to a person registered under
11 Chapter 1052 [~~or 1053~~].

12 SECTION 12. Section 1051.455(b), Occupations Code, is
13 amended to read as follows:

14 (b) A proceeding under this section relating to an architect
15 or [7] a landscape architect [~~7~~ ~~or an interior designer~~] is subject
16 to Chapter 2001, Government Code.

17 SECTION 13. Section 1051.504(a), Occupations Code, is
18 amended to read as follows:

19 (a) If it appears to the board that a person who is not
20 registered under this subtitle is violating or has violated this
21 subtitle, a rule adopted under this subtitle, or another state
22 statute or rule relating to the practice of architecture or [7]
23 landscape architecture [~~7~~ ~~or interior design~~], the board after
24 providing to the person notice and the opportunity for a hearing may
25 issue a cease and desist order prohibiting the conduct described in
26 the notice.

27 SECTION 14. The heading to Section 16.008, Civil Practice

1 and Remedies Code, is amended to read as follows:

2 Sec. 16.008. ARCHITECTS, ENGINEERS, [~~INTERIOR DESIGNERS,~~
3 AND LANDSCAPE ARCHITECTS FURNISHING DESIGN, PLANNING, OR
4 INSPECTION OF CONSTRUCTION OF IMPROVEMENTS.

5 SECTION 15. Sections 16.008(a) and (c), Civil Practice and
6 Remedies Code, are amended to read as follows:

7 (a) A person must bring suit for damages for a claim listed
8 in Subsection (b) against a registered or licensed architect,
9 engineer, [~~interior designer,~~] or landscape architect in this
10 state, who designs, plans, or inspects the construction of an
11 improvement to real property or equipment attached to real
12 property, not later than 10 years after the substantial completion
13 of the improvement or the beginning of operation of the equipment in
14 an action arising out of a defective or unsafe condition of the real
15 property, the improvement, or the equipment.

16 (c) If the claimant presents a written claim for damages,
17 contribution, or indemnity to the architect, engineer, [~~interior
18 designer,~~] or landscape architect within the 10-year limitations
19 period, the period is extended for two years from the day the claim
20 is presented.

21 SECTION 16. Section 469.102(a), Government Code, is amended
22 to read as follows:

23 (a) The architect, [~~interior designer,~~] landscape
24 architect, or engineer who has overall responsibility for the
25 design of a constructed or reconstructed building or facility shall
26 submit the plans and specifications required under Section 469.101.

27 SECTION 17. Section 469.104, Government Code, is amended to

1 read as follows:

2 Sec. 469.104. FAILURE TO SUBMIT PLANS AND SPECIFICATIONS.
3 The commission shall report to the Texas Board of Architectural
4 Examiners, the Texas Board of Professional Engineers, or another
5 appropriate licensing authority the failure of any architect,
6 [~~interior designer~~] landscape architect, or engineer to submit or
7 resubmit in a timely manner plans and specifications to the
8 department as required by this subchapter.

9 SECTION 18. Section 1001.063, Occupations Code, is amended
10 to read as follows:

11 Sec. 1001.063. ARCHITECTS AND [] LANDSCAPE ARCHITECTS [
12 ~~AND INTERIOR DESIGNERS~~]. This chapter or a rule adopted under this
13 chapter does not prevent or otherwise restrict a person licensed as
14 an architect under Chapter 1051 or [] a landscape architect under
15 Chapter 1052 [~~, or an interior designer under Chapter 1053~~] from
16 performing an act, service, or work that is within the definition of
17 the person's practice under those chapters.

18 SECTION 19. The following laws are repealed:

- 19 (1) Section 469.002(7), Government Code;
20 (2) Sections 1051.001(3) and (4), Occupations Code;
21 (3) Section 1051.604, Occupations Code; and
22 (4) Chapter 1053, Occupations Code.

23 SECTION 20. (a) The repeal by this Act of Chapter 1053,
24 Occupations Code, does not affect the validity of a proceeding
25 pending before a court or other governmental entity on the
26 effective date of this Act.

27 (b) An offense under or other violation of Chapter 1053,

1 Occupations Code, committed before the effective date of this Act
2 is governed by the law in effect when the offense or violation was
3 committed, and the former law is continued in effect for that
4 purpose. For purposes of this subsection, an offense or violation
5 was committed before the effective date of this Act if any element
6 of the offense or violation occurred before that date.

7 (c) On the effective date of this Act:

8 (1) the term of the interior designer member of the
9 Texas Board of Architectural Examiners expires; and

10 (2) the governor shall designate one public member of
11 the Texas Board of Architectural Examiners whose term shall expire.

12 SECTION 21. This Act takes effect September 1, 2013.